

**State of Montana**  
**Workforce Investment Act Waiver Request**  
**Waive the Requirement for Reporting Performance Outcome Measures for**  
**Workforce Investment Act Title IB Adult, Youth and Dislocated Worker Programs**

The Montana Department of Labor and Industry (MDLI), the State administrative entity for the Workforce Investment Act (WIA), is requesting a waiver to stop reporting on the current 17 performance measures (15 core and 2 customer satisfaction) and to implement the nine common measures for WIA Title IB adult, youth and dislocated worker delineated in TEGL 17-05. MDLI puts high value on customer satisfaction, so we will continue to internally track participant and employer satisfaction using the current performance measures. This will allow the State Workforce Investment Board to gauge the State's progress toward "continuously improving in performance."

This waiver request will enable MDLI to formally implement and track only the nine WIA Title IB adult, youth and dislocated worker common performance measures thereby placing the focus on employment placement and retention, earnings, placement in education, attainment of degree or certificate and literacy and numeracy gains.

The common measures are:

**Adult**

Adult Entered Employment

Adult Retention

Adult Average Earnings

**Dislocated Worker**

Dislocated Worker Entered Employment

Dislocated Worker Retention

Dislocated Worker Average Earnings

**Youth**

Youth Placement in Employment or Education

Youth Attainment of a Degree or Certificate

Youth Literacy and Numeracy Gains

MDLI proposes to implement the common measures in Program Year 2007 beginning on July 1, 2007.

At present, Montana's State Workforce Investment Board and service providers are subject to the 17 required measures for WIA Title IB adult, youth and dislocated worker programs that were implemented by Montana in July 1, 2000 under WIA and the Common Measures that were implemented by USDOL in 2005. While "Common Measures" requirements have not yet been fully implemented by USDOL, all states are required to implement and track common measures outcomes while continuing to follow the performance tracking and reporting requirements for the 17 performance measures under Section 136 and 20 CFR Part 666.100 of the Workforce Investment Act.

Under the proposed waiver, Montana hopes to mitigate this confusing reporting system by discontinuing the use of the current 17 measures and fully implementing the nine “Common Measures”.

MDLI has found through experience and the consensus opinion of most workforce development professionals, that the requirement of tracking the current 17 performance measures as well as additional common measures is too cumbersome to be a viable program management tool. MDLI is confident that this waiver to track only the common measures and the data collected for them will provide the necessary information to effectively oversee WIA Title IB programs; simplify and streamline performance accountability and reporting; improve program management and performance; enhance MDLI’s ability to assess the effectiveness and impact of workforce development efforts; and provide a more effective means of determining performance.

MDLI will oversee and evaluate effective approaches to identify and address obstacles, if any, and review applicable policies and procedures and modify them accordingly.

### **Waiver Plan**

Section 189(i)(4) of the Workforce Investment Act permits a state to seek waivers of statutory or regulatory requirements, as well as setting forth what information must be provided in seeking such a waiver. The waiver request format follows WIA Law Section 189(i)(4)(B) and Regulations at 20 CFR Part 661.420.

#### **1. Statutory Regulations to be waived:**

Regulations at 20 CFR Part 666.100 (WIA Law Section 136(b)) which specifies the performance measures that must be included in state plans.

#### **2. Describe action the State has undertaken to remove State or local statutory or Regulatory barriers:**

Montana has implemented the 17 performance measures as required under federal and state laws and regulations. No additional State requirements have been added to impede or prohibit implementing the common measures.

Upon notification of approval of this waiver request, State rules, policies and procedures will be developed and issued to comply with the terms of this waiver.

#### **3. Waiver goals and measurable programmatic outcomes, if the waiver is granted:**

- ◆ Provide for a simplified and streamlined performance measurement system;
  - Use a single set of measures for youth, thus eliminating the need to track younger versus older youth; and
  - Use the common measures definition of certificate, thereby eliminating confusion between that definition of certificate and the WIA definition of credential
- ◆ Reduce paperwork and labor costs associated with performance data collection
- ◆ Provide a more useful program management tool
- ◆ Consistent with demand-driven performance outcomes

- ◆ Provides for customer-driven instead of program-driven outcomes
- ◆ Provides an opportunity for the State to better implement USDOL's Youth Vision, which includes a youth program focused on out-of-school populations with increased accountability for employment and/or increased secondary and post-secondary education outcomes
- ◆ Greater degree of efficiency in program delivery
- ◆ Provides clear and understandable information to stakeholders, including the State Workforce Investment Board (SWIB).

**4. Describe any individuals affected by the waiver:**

The waiver will have a positive impact, either directly or indirectly, on all statewide participant training customers by providing accountability while improving program management and performance.

**5. Describe the processes used to:**

**(i) Monitor the progress in implementing the waiver:**

MDLI as the state administrative entity for Workforce Investment Act Title IB programs will monitor the implementation and impact of the waiver, as well as progress toward expected outcomes, through a combination of performance reporting and discussions with stakeholders. State oversight and evaluation will make effective use of these means to identify obstacles and address them. MDLI will review applicable policies and procedures and modify them accordingly.

MDLI will submit both an interim and a final report to USDOL detailing the impact of this waiver. USDOL will be invited to participate in discussions throughout year one of implementation to monitor and evaluate the progress.

MDLI may develop and submit to USDOL appropriate waiver requests to accomplish the goals set forth in this waiver.

**(ii) Provide notice to any Local Board affected by the waiver:**

Montana is a single statewide planning area and the SWIB has local board responsibilities. The draft waiver was posted on the SWIB website, and all SWIB members were notified it was available for review and comment.

**(iii) Provide any Local Board affected by the waiver an opportunity to comment on the request:**

Montana is a single statewide planning area and the SWIB has local board responsibilities. The draft waiver was posted on the SWIB website, and all SWIB members were notified it was available for review and comment.

**(iv) Ensure the opportunity for meaningful public comment, including comment by business and organized labor, on the waiver:**

A general public comment period was provided through posting the proposed Waiver request on the SWIB website for 14 days, and notifying all SWIB members and SWIB

interested persons it was available for review and comment. After the public comment period, the proposed Waiver request was presented to the SWIB Executive Committee for approval, during a publicly noticed meeting. Committee members were presented with all public comments received during the public comment period, and asked for additional public comments during the meeting. Comments approved by the Committee were incorporated into the final Waiver request. Formal action was taken by the SWIB Executive Committee to approve the proposed Waiver request for submittal to USDOL.

Montana appreciates the flexibility afforded to states through the waiver process and anticipates the waiver plan provides adequate accountability and improved performance for USDOL approval.